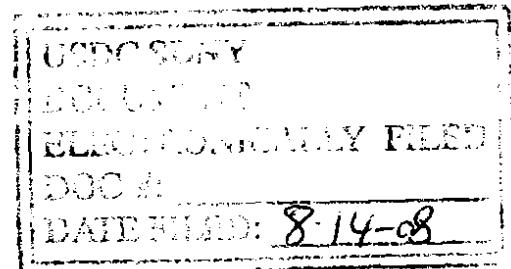


KEENAN/T

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Attorneys for Defendant Merck & Co., Inc.



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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IN RE: :
Fosamax Products Liability Litigation : 1:06-md-1789 (JFK)

-----x
This Document Relates to: :
Marion Goss, et al. :
v. Merck & Co., Inc. :
Case No: 1:07-cv-7290-JFK :
-----x

STIPULATION AND ORDER OF DISMISSAL WITH PREJUDICE

IT IS HEREBY STIPULATED AND AGREED by and between Plaintiffs in
the above-captioned case and Defendant Merck & Co., Inc., ("Merck") through their
respective undersigned counsel, as follows:

1. This case having been resolved upon the agreement of the Plaintiffs in the
above-captioned case to voluntarily dismiss with prejudice their claims against Merck
and the agreement of Merck not to seek from Plaintiffs its fees and costs. The following
Plaintiffs are hereby dismissed from the above-captioned case with prejudice pursuant to
Fed. R. Civ. P. 41(a)(1)(ii):

Gerald Christian;
Leamond Jefferson;
Bryan Iorio; and
Jack Marion.

2. Each party is to bear its own costs and attorneys' fees.

August 12

Dated: April, 2008

PHILLIPS & ASSOCIATES

By _____

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SO ORDERED:

John F. Keenan 8/14/08
Hon. John F. Keenan